IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6462 of 2007

Date of Decision: 14.12.2007

Ram Charan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr.Deepk Manchanda , Advocate
for the petitioner.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Rajesh Bindal, J.

The challenge in the present petition is to an order passed by the learned Additional Civil Judge(Sr. Division),Panipat,whereby the application filed by the petitioner for leading additional evidence, was dismissed.

The present proceedings arise out of a suit filed by the petitioner way back on January 04, 2002 for recovery of a sum of Rs.15 lacs on account of compensation and damages for tortuous and malicious prosecution against the respondents. The additional evidence sought to be produced is in the shape of a witness namely Sukhbir son of Daya Chand. The contention of the petitioner is that initially he could not lead any evidence as no one came forward to depose in his favour. However, it was only on March 11, 2007 when he came to Panipat he met Sukhbir who

agreed to depose in his favour. However, to produce such a witness in additional evidence one is required to satisfy the pre-requisites for permitting an applicant to lead additional evidence, which are totally lacking in the present case. The petitioner had already closed his evidence on June 08, 2006 and the suit now was at the final stage. No case was made out as regards the authenticity and the relevance of the evidence sought to be led by the petitioner by producing Sukhir in additional evidence. Accordingly in my view, the prayer made by the petitioner for leading secondary evidence was rightly rejected by the Court below.

The petition is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

December 14, 2007
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